



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

FR:KKO  
F. #2016R02228

*271 Cadman Plaza East  
Brooklyn, New York 11201*

November 15, 2019

By ECF and Courtesy Copy by Interoffice Mail

The Honorable Edward R. Korman  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Sergey Ovsyannikov  
Criminal Docket No. 18-633 (ERK)

Dear Judge Korman:

Enclosed please find a proposed Preliminary Order of Forfeiture (the "Preliminary Order") in the above-captioned case, the terms of which the defendant, Sergey Ovsyannikov, has agreed to in connection with his guilty plea before the Honorable Steven M. Gold on September 24, 2019. The government respectfully requests that the Court "so order" and enter the enclosed Preliminary Order pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

Thank you for Your Honor's consideration of this submission.

Respectfully submitted,

RICHARD P. DONOGHUE  
United States Attorney

By: /s/ Karin Orenstein  
Karin Orenstein  
Assistant U.S. Attorney  
(718) 254-6188

Encl.: Preliminary Order of Forfeiture  
cc: Counsel of Record (by ECF)

FR:KKO  
F. # 2016R02228

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

PRELIMINARY ORDER OF FORFEITURE

- against -

18-CR-633 (ERK)

SERGEY OVSYANNIKOV,

Defendant.

----- X

WHEREAS, on or about September 24, 2019, SERGEY OVSYANNIKOV, (the “defendant”), entered a plea of guilty to the offenses charged in Counts One, Five and Seven of the above-captioned Indictment, charging violations of 18 U.S.C. §§ 1349 and 1028A; and

WHEREAS, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), the defendant consents to the entry of a forfeiture money judgment in the amount of fourteen million six hundred twenty-six thousand two hundred six dollars and fifty cents (\$14,626,206.50) (the “Forfeiture Money Judgment”), in addition to the forfeiture of all right, title and interest in:

- (i) any and all funds on deposit in C.I.M. Banque, account number CH8408822106476595000 held in the name of Octmedia LP, and all proceeds traceable thereto;
- (ii) any and all funds on deposit in C.I.M. Banque, account number CH2908822108000000390 held in the name of Intercap, up to and including \$20,000.00, and all proceeds traceable thereto;

- (iii) any and all funds on deposit in C.I.M. Banque, account number CH1208822106451845000 held in the name of Intericap, up to and including \$1,150,000.00, and all proceeds traceable thereto;
- (iv) any and all funds on deposit in Raiffeisen Bank, account number CZ1255000000009250253095 held in the name of Impex Alliance, up to and including \$3,163,177.92, and all proceeds traceable thereto; and
- (v) any and all funds on deposit in C.I.M. Banque account number CH5708822106476595001 held in the name of Octmedia LP, and all proceeds traceable thereto (hereinafter “Forfeited Accounts (i) through (v)” and, collectively “Forfeited Accounts”)

as: (a) property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of the defendant's violation of 18 U.S.C. § 1349, and/or (b) substitute assets, pursuant to 21 U.S.C. § 853(p).

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, on consent, by and between the United States and the defendant as follows:

1. Pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), and 21 U.S.C. § 853(p), the defendant shall forfeit to the United States the full amount of the Forfeiture Money Judgment and all right, title and interest in the Forfeited Accounts. The forfeiture of the Forfeited Accounts (i), (ii), (iii) and (v) shall be credited towards the Forfeiture Money Judgment.

2. All payments made towards the Forfeiture Money Judgment shall be made by a money order, or a certified or official bank check, payable to the U.S. Marshals Service with the criminal docket number noted on the face of the instrument. The defendant shall cause said payment(s) to be sent by overnight mail to Assistant United States Attorney Karin Orenstein, United States Attorney’s Office, Eastern District of New York, 271-A

Cadman Plaza East, 7th Floor, Brooklyn, New York 11201. The Forfeiture Money Judgment shall be paid in full within 30 days in advance of sentencing (the “Due Date”).

3. Upon entry of this Preliminary Order of Forfeiture (“Preliminary Order”), the United States Attorney General or his designee is authorized to seize the Forfeited Accounts, to conduct any proper discovery, in accordance with Fed. R. Crim. P. 32.2(b)(3) and (c), and to commence any applicable proceeding to comply with statutes governing third party rights, including giving notice of this Preliminary Order.

4. The United States shall publish notice of this Preliminary Order in accordance with the custom and practice in this district on the government website [www.forfeiture.gov](http://www.forfeiture.gov), of its intent to dispose of the Forfeited Accounts in such a manner as the Attorney General or his designee may direct. The United States may, to the extent practicable, provide direct written notice to any person known or alleged to have an interest in the Forfeited Accounts as a substitute for published notice as to those persons so notified.

5. Any person, other than the defendant, asserting a legal interest in the Forfeited Accounts may, within thirty (30) days of the final publication of notice or receipt of notice, or no later than sixty (60) days after the first day of publication on an official government website, whichever is earlier, petition the Court for a hearing without a jury to adjudicate the validity of his or her alleged interest in the Forfeited Accounts, and for an amendment of the order of forfeiture, pursuant to 21 U.S.C. § 853(n)(6). Any petition filed in response to the notice of forfeiture of the Forfeited Accounts must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner’s right, title and interest in the property, the time and circumstances of the petitioner’s

acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and relief sought.

6. The defendant shall not file or interpose any claim or petition seeking remission or contesting the forfeiture of the Forfeited Accounts or any property against which the United States seeks to enforce the Forfeiture Money Judgment in any administrative or judicial (civil or criminal) proceeding. The defendant shall fully assist the government in effectuating the surrender and forfeiture of the Forfeited Accounts and the payment of the Forfeiture Money Judgment to the United States. The defendant shall take whatever steps are necessary to ensure that clear title to the Forfeited Accounts passes to the United States, including, but not limited to, the execution of any and all documents necessary to effectuate the surrender and forfeiture of the Forfeited Accounts to the United States. Further, if any third party files a claim to the Forfeited Accounts, the defendant will assist the government in defending such claims. If the Forfeited Accounts or Forfeiture Money Judgment, or any portion thereof, is not forfeited to the United States, the United States may seek to enforce this Preliminary Order against any other assets of the defendant up to the value of the Forfeited Accounts, and the outstanding balance of the Forfeiture Money Judgment, pursuant to. The defendant further agrees that the conditions of 21 U.S.C. § 853(p)(1)(A)-(E) have been met.

7. The defendant knowingly and voluntarily waives his right to any required notice concerning the forfeiture of the monies and/or properties forfeited hereunder, including notice set forth in an indictment or information or administrative notice. In addition, the defendant knowingly and voluntarily waives his right, if any, to a jury trial on the forfeiture of said monies and/or properties, and waives all constitutional, legal and

equitable defenses to the forfeiture of said monies and/or properties, including, but not limited to, any defenses based on principles of double jeopardy, the *Ex Post Facto* clause of the Constitution, any applicable statute of limitations, venue, or any defense under the Eighth Amendment, including a claim of excessive fines.

8. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B), this Preliminary Order shall become final at the time of the defendant's sentencing and shall be made part of the defendant's sentence and included in his judgment of conviction. If no third party files a timely claim, this Preliminary Order, together with Supplemental Orders of Forfeiture, if any, shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2). At that time, the monies and/or properties forfeited herein shall be forfeited to the United States for disposition in accordance with the law.

9. The United States alone shall hold title to the monies paid by the defendant to satisfy the Forfeiture Money Judgment following the Court's entry of the judgment of conviction. The United States alone shall hold title to the Forfeited Accounts following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2).

10. The forfeiture of the Forfeited Accounts and entry and payment of the Forfeiture Money Judgment shall not be considered a payment of a fine, penalty, restitution loss amount, or payment of any income taxes that may be due, and shall survive bankruptcy.

11. This Preliminary Order shall be binding upon the defendant and the successors, administrators, heirs, assigns and transferees of the defendant, and shall survive the bankruptcy of any of them.

12. This Preliminary Order shall be binding only upon the Court “so ordering” the order.

13. The Court shall retain jurisdiction over this action to enforce compliance with the terms of this Preliminary Order and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

14. The Clerk of the Court is directed to send, by inter-office mail, three (3) certified copies of this executed Preliminary Order to the United States Attorney’s Office, Eastern District of New York, Attn: FSA Law Clerk Elizabeth Valeriane, 271-A Cadman Plaza East, Brooklyn, New York 11201.

Dated: Brooklyn, New York  
\_\_\_\_\_, 2019

SO ORDERED:

\_\_\_\_\_  
HONORABLE EDWARD R. KORMAN  
UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF NEW YORK